



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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No. 129 Dispur, Monday, 27th February, 2023, 8th Phalguna, 1944 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
TRANSPORT DEPARTMENT

NOTIFICATION

The 7th February, 2023

No. E-144622/126.- Whereas the draft of certain rules which the Governor of Assam proposes to make in exercise of the powers conferred by section 93, sub-section (1) of section 95 and sub-section (1) of section 96 of the Motor Vehicle Act, 1988 and in pursuance and compliance of the Motor Vehicle Aggregator Guidelines, 2020 issued vide Notification No. S.O. 4251(F) dated 26th November, 2020 by Ministry of Road, Transport and Highways is hereby published as required by under section 212 of the said Act vide Government Notification No.E-144622/74, dated 23rd December, 2022 in the Assam Gazette Extraordinary No.770 dated 28th December, 2022, inviting objections or suggestions from any person likely to be affected thereby within a period of twenty (20) days from the date of publication in the Official Gazette.

And whereas no objections and suggestions were received from any individual or organizations with respect to the said rules before the expiry of the period specified above for consideration by the Governor of Assam.

Now, therefore in exercise of the powers conferred by section 93, sub-section (1) of section 95 and sub-section (1) of section 96 of the Motor Vehicle Act, 1988, the Governor of Assam is hereby please to make the following rules, namely:-

Short title,
and commencement

1. (1) These rules may be called the Assam Motor Vehicle Aggregator Rules, 2022.
- (2) They shall come into force from the date of their publication in the Official Gazette.

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| Applicability | 2. | (a) | They shall be applicable to Aggregators operating in the State of Assam. |
| | | (b) | The vehicles that may be integrated by the Aggregator shall be taxis and shall also include bike taxi and Pooling Facility by non-transport Motorcycles, E-bikes and other Vehicles. |
| Definitions | 3. | (i) | "Act" means the Motor Vehicles Act, 1988; |
| | | (ii) | "Aggregator", as defined in section 1A of the section 2 of the Motor Vehicle Act, 1988 which refers to a digital intermediary or market place for a passenger to connect with a driver for the purpose of transportation; |
| | | (iii) | "App" means an electronic interface operated by the Aggregator or any third party on behalf of the Aggregator, which may be accessed either through a computer resource or a communication device; |
| | | (iv) | "Area of Operation" means the area of operation for which a License is granted to an Aggregator; |
| | | (v) | "Bike Taxi" means a Motor Cycle as defined under sub-section (27) of section 2 of Motor Vehicles Act 1988 which is registered under Transport Category having a seating capacity not exceeding 1 passenger excluding the Driver with public service permit on contract; |
| | | (vi) | "Computer resource" is as ascribed under the Information Technology Act, 2000; |
| | | (vii) | "Communication device" means the devices as ascribed under the Information Technology Act, 2000. |
| | | (viii) | "Fare" means the total charges debited by the Aggregator to the Rider pursuant to the latter booking a ride through the Aggregator's App and completion of such ride; |
| | | (ix) | "Fee" means the charges in respect of a license as mentioned under rule 23 ; |
| | | (x) | "Form" means the form appended to these rules; |
| | | (xi) | "Induction Training Programme" means the training provided under sub-rule (2) of rule 6; |
| | | (xi) | "Licence" means the licence issued to an Aggregator by the State Government under section 93 of the Act; |

- (xiii) "Licensee" means an Aggregator who holds Licence issued by the licensing authority of the State Government;
- (xiv) "Licensing Authority" means the Secretary, State Transport Authority (STA), Assam;
- (xv) "On-Boarding" means the integration of a vehicle and Driver with the Aggregator and operating such vehicle with the Aggregator;
- (xvi) "Off-Boarding" means the segregation of an integrated vehicle from the Aggregator.;
- (xvii) "Pooling Facility" means a ride provided by a commuter, duly integrated with the aggregator, to other commute enroute by a non-Transport Motorcycles, E-bike and other Vehicle as well in addition to Taxi and bike taxi;
- (xviii) "Rating" means an assessment of the quality of a trip availed by a Rider, on the successful completion of the trip;
- (xix) "Refresher Training Programme" means an annual training session for Drivers integrated with the Aggregator, for a period of at least two days for cumulated 10 hours, delivered physically or virtually. The session shall include but not be limited to the course mentioned under the Induction Training Programme;
- (xx) "Remedial Training Programme" means training course required to be compulsorily undertaken by Drivers whose Rating is below 2 percentiles from amongst all Drivers who are placed similarly in terms of the minimum duration of engagement with the Aggregator. Such duration shall be determined by the Aggregator;
- (xxi) "Rider" means a person who books a journey through the Aggregator App for availing the transportation provided by a Driver who is integrated with the Aggregator;
- (xxii) "Security Deposit" means the amount that shall be payable by an Aggregator applying for a License furnished as bank guarantee, unless provided otherwise;
- (xxiii) "Service Provider Contract" means the agreed and executed between the Aggregator and the Driver specifying the contractual rights and obligations of both parties;

- (xxiv) "Surge pricing" means the output of an algorithm of an Aggregator, which automatically raises the price of a trip when demand outstrips supply within a fixed geographic area;
- (xxv) "State" means the State of Assam;
- (xxvi) "Taxi" means a motor cab having a seating capacity not exceeding 6 passengers excluding the driver with public service permit on contract;
- (2) Words and expression used in these rules and not defined herein shall have the same meanings assigned to them in the Motor Vehicle Aggregator Guidelines, 2020, Motor Vehicle Act, 1988 and the Assam Motor Vehicles Rules, 2003 unless specified in these rules.
- Application for grant or renewal of License and matters connected therewith 4. (1) Any person may make an application for grant of License in the **Form I** appended to these rules, accompanied by proof of payment of appropriate fee and Security Deposit as provided under rule 23 and rule 24 respectively of these rules.
- (2) A License granted shall be research valid for a period of five (5) years from the date of its issuance, subsequent to which it shall be renewed by the Licensing Authority on an application for renewal made by the Aggregator in **Form II** appended to these rules. However, it may be cancelled by the Licensing Authority in accordance with the provisions of rule 20 of these rules. For the purposes of such renewal, the licensing authority shall examine the Aggregator's records of compliance with these rules and the suspensions against such Aggregator.
- (3) The list of licenses issued by the Licensing Authority under these rules shall be uploaded and updated by the Licensing Authority on the state transport portal of the state government.
- (4) If any of the conditions for grant of License specified under these rules are not complied with by the applicant, the licensing authority may reject such application after giving an opportunity of being heard.
- (5) On being satisfied that the applicant has complied with all the conditions specified for grant/ renewal of a license under these rules, the licensing authority shall issue a License to the applicant in **Form III** appended to these rules.
- (6) A License issued under these rules may be transferred on a joint application being made by the transferor and transferee subject to compliance with these rules.
- (7) Where the License is lost or destroyed, an application for issue of a duplicate shall be made in **Form IV** appended to these Rules along with the prescribed fee. A duplicate License so issued shall be marked "Duplicate" in red ink.

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| Eligibility of an Aggregator | 5. | <p>(1) (i) The applicant shall be a company registered under the Companies Act 1956 or 2013 or a co-operative society registered under the Co-operative Societies Act, 1912 or Assam Co-operative Societies Act, 2007 formed by an association of drivers or motor vehicle owners or such other association or a limited liability partnership under the Limited Liability Partnership Act, 2008.</p> <p>(2) The applicant shall have a registered office in Assam.</p> <p>(3) The applicant shall comply with all the applicable provisions prescribed under the Act and the Information Technology Act, 2000, including intermediary guidelines.</p> <p>(4) The applicant shall not integrate any driver or represent himself as an Aggregator unless he holds a valid License issued by the Licensing Authority.</p> |
| Conditions for grant of License for Aggregator | 6. | <p>An applicant desirous of securing a License shall demonstrate compliance with the following, namely :-</p> <p>(1) Compliance with the provisions of rules 6, 7, 8, 9 and 10 of these rules;</p> <p>(2) Arrangement of a driving test facility with a simulator to test the driving ability of the concerned Driver with respect to the vehicle to be on boarded or outsource it to an authorized third party, and a set-up for conducting Induction Training Programme.</p> <p>Explanation: Induction Training Programme refers to a compulsory (5) five-day training programme for cumulated thirty (30) hours conducted by the Aggregator prior to the commencement of on-boarding of vehicle, either independently or by liasoning with a professional institution for providing course compliant with National Skills Qualifications Framework (NSFQ). The broad details of the course shall be made available online for information by the Government. The course shall include but not be limited to apprising, educating and training the Drivers:</p> <p>(a) to efficiently use the Aggregator app;</p> <p>(b) the provisions under the Motor Vehicles Act, 1988 and rules thereunder;</p> <p>(c) on road safety and first responder training for six (6) hours out of the total thirty (30) hours mentioned above;</p> <p>(d) on careful driving;</p> <p>(e) on motor vehicle maintenance;</p> <p>(f) on maintenance of health and hygiene;</p> <p>(g) on fuel efficient driving;</p> |

- (h) on familiarization with the routes in the Area of Operation;
 - (i) on the terms and conditions of the contract between the driver and the aggregator;
 - (j) on gender sensitization and safety of women and girl child.
 - (k) training program on sensitization towards people with disability, their specific needs and the nature of assistance they may require during provision of services.
- (3) The Aggregator shall be responsible to ensure that drivers who have been integrated with the Aggregator prior to the implementation of these rules undergo the Induction Training Programme as mentioned above.
- (4) The Aggregator shall be required to commence its business operations within (six) 6 months from the grant of the Licence, in the absence of which the Licence shall be cancelled.
- (5) The Guidelines issued by the Ministry of Health, World Health Organization, or any concerned authority, organization in the interest of public health and safety are to be complied with.
- To facilitate Implementation of Electric/Alternative fuel (such as bio-ethanol) two-wheeler taxis
7. The electronic vehicle and vehicles running on Ethanol and Methanol shall be exempted from the requirement of permit as per notification No. 5333(E) dated 18th October, 2018 issued by the Ministry of Road, Transport and Highways, Government of India.
- Compliances with regard to Drivers
8. (1) The Aggregator shall ensure compliance with the following conditions, relevant to Drivers, prior to On-boarding of such Drivers, namely ,-
- (a) The Driver shall hold a valid proof of identity being an Electors Photo Identification Card or Aadhaar card or PAN card.
 - (b) The Driver shall be holder of a driving licence to drive the relevant vehicle (as applicable) and a badge (as may be applicable).
 - (c) The Driver shall have a minimum driving experience of 2 (two) years. In case of the driving experience being less than 2 years, the Driver shall undertake a driver training facilitated by the Aggregator for a period of 15 (fifteen) days prior to On-boarding. This shall be in addition to the Induction Training Programme.

- (d) The Driver shall be a holder of KYC compliant bank account or holder of Jan Dhan account under the Pradhan Mantri Jan-Dhan Yojana, in accordance with the norms prescribed by Reserve Bank of India.
 - (e) The Driver of the vehicle shall not have been convicted within the past 3 years, for the offence of driving under the influence of drugs or alcohol, or any cognizable offence under the Code of Criminal Procedure, 1973 or the Indian Penal Code, 1860 (as may be applicable) including fraud, sexual offences, use of a motor vehicle to commit a cognizable offence, a crime involving property damage or theft, acts of violence, or acts of terror.
 - (f) The Driver shall undergo a complete medical examination, including eye check-up, by a hospital or medical institution as provided by the Aggregator. The Costs for such medical check-up shall be borne by the Aggregator.
 - (g) Complete police verification of the identity of the Driver and his antecedents with a written record of such verification prior to fifteen days of on boarding shall have to be maintained by the aggregator. For facilitation of the same, the police authorities shall be provided access to the Aggregator's Application Programming Interface (API) by the Aggregator. Subsequent to such verification, the police authorities shall grant certificate of good moral character without any criminal record, to the Driver.
 - (h) Execution of a valid enforceable Service Provider Contract with the relevant Driver in English and the language understood by the Driver, specifying all necessary terms and conditions applicable for On-boarding of vehicle and operating vehicles therein.
- (2) The Aggregator shall ensure compliance with the following conditions, relevant to Drivers, during operations, namely,-
- (a) Ensuring a health insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 5 Lakhs with base year 2021-22 and increased by 5% each year;
 - (b) Ensuring a term insurance for each Driver integrated with the Aggregator for an amount not less than Rs. 10 lakhs with base year 2021-22 and increase by 5% each year;
 - (c) Conducting Refresher Training Programme once a year. Record of such training sessions shall be documented and preserved for at least one year. The Aggregator may be permitted to collaborate and partner with any specialized institution, as deemed fit by the Aggregator, for providing such training;

- (d) Ensuring that the Driver shall not be logged in for an aggregate of twelve (12) hours on a calendar day. A mandatory break of ten (10) hours for the Driver shall be imposed subsequent to a login extending twelve (12) hours;
- (e) The Aggregators to develop a mechanism on their respective App to ensure that Drivers engaged with more than one Aggregator do not drive beyond a cumulative period of 12 hours either on their or another Aggregators App so as to safeguard the Driver, passenger as well as road users;
- (f) Maintaining and examining updated copies of the following records pertaining to the Drivers of vehicles (pursuant to due verification with the originals), regularly on the portal of SARATHI namely,-
 - (i) a photograph of the Driver;
 - (ii) driving licence;
 - (iii) present residential address alongwith proof;
 - (iv) RBI compliant KYC bank account details;
 - (v) self-attested copies of AADHAAR
 - (vi) self-attested copies of EIC card or PAN card.
 - (vii) contact details and addresses of two members from the Driver's family.
- (g) Enabling the Drivers to operate with multiple Aggregators, provided each of them comply with the requirements and Driver training programmes relevant to each Aggregator;
- (h) Ensuring that on termination or end of the Service Provider Contract with a Driver, all equipment or brand stickers belonging to the Aggregator is removed and identity card or authorization issued to the Driver by the Aggregator is confiscated;
- (i) Implementing a mechanism in the App for rating of Driver by corresponding Rider with respect to a ride availed on the App, indicative of the Rider's experience of the ride and Driver's etiquette. The same shall be applicable to the Driver's rating for a Rider;
- (j) Further, Drivers with ratings below two (2) percentiles shall be required mandatorily to undertake the Remedial Training Programme until the completion of which such Driver shall be Off-boarded.

Compliances with
regard to vehicles

9. The following compliances with regard to a vehicle shall be ensured by an Aggregator as a pre-requisite for the purposes of integration with Aggregator,-

- (1) Valid registration of the vehicle;
- (2) Valid permit, as may be applicable;
- (3) Valid fitness certificate as obtained under the Act;
- (4) Requisite placement of the registration mark displayed in English and the figures in Arabic numerals displayed in such form and manner as specified in the rules;
- (5) Valid third-party insurance;
- (6) Valid Pollution Under Control (PUC) certificate;
- (7) Compliance with emission norms of Bharat Standard IV (BS IV) or above for motor cab and Bharat Standard III (BS III) or above for other vehicles;
- (8) Compliance with city specific fuel norms;
- (9) Updated payment of applicable taxes and other dues;
- (10) Clearance of pending e-challans applicable to the vehicle prior to integration of such vehicle;
- (11) Fitment of an AIS 140 Certified Vehicle Tracking and Monitoring System with panic buttons relevant for a Public Service vehicle, as specified by the Ministry of Road Transport and Highways, which shall be connected to the control room of the Aggregator;
- (12) Placement of a fire extinguisher;
- (13) Disabled child lock mechanism;
- (14) Enabled manual override for the central locking system;
- (15) Display inside the vehicle, containing vehicle permit (as applicable) and copy of the Driver's driving license. The display shall be placed on the side of the passenger seat next to the Driver in such manner as shall be clearly visible to the passengers in the concerned vehicle (not applicable for Motorcycle);
- (16) Fitment of 'TAXI' roof sign visible from the front and rear on Light Motor Vehicle (LMV), in compliance with Automotive Industry Standards (AIS) or any such standard specified (not applicable for Motorcycle);
- (17) During operations, the Aggregator shall maintain and examine digital records of all vehicles integrated with the Aggregator that shall be updated on a real time basis by the Aggregator on <https://vahan.nic.in/nrservices/>. Maintaining updated copies of the following records pertaining to the Driver's vehicle (pursuant to due verification with the originals), namely,-
 - (a) Certificate of Registration;
 - (b) Certificate of Fitness;
 - (c) Permit of the vehicle;
 - (d) Chassis and engine numbers; and

- (e) Commercial insurance policy covering third party risks as prescribed in the Act.
- (f) Pollution under control certificate.
- (g) Clearance of pending e-challans within a period of 2 months from the issuance of such e-challans.
- Compliances with regard to the Aggregator's App and Website
10. (1) The App shall be formulated in a manner that is compliant with the applicable law.
- (2) The App shall be accessible in English, Assamese and Hindi for the Rider. Additionally, the App shall be accessible in such language that is understandable by the Driver.
- (3) Ensuring that the in-app vulnerabilities are revealed to Indian Computer Emergency Response Team formed under the aegis of the Ministry of Electronics and Information Technology. Safety of the App shall be certified by a recognized cyber security firm.
- (4) Ensuring that the data generated on the App is stored on a server in India and that such stored data shall be for a minimum of 3 months and maximum of 24 months from the date on which such data is generated. This data shall be made available to the Government of Assam as per due process of law. Any data related to customers shall not be disclosed without the written consent of the customer.
- (5) Ensuring that the details of daily trips operated by each vehicle, details of passengers commuting in each vehicle, origin and destination of each journey undertaken and the fare collected, shall be undertaken by a Driver and Rider shall be accessible on the App for a period of three (3) months from the date of such trip.
- (6) Ensuring transparency in its operations, including but not limited to, functioning of the App algorithm, proportion of fare payable to the Driver, incentives given to the Drivers, charges received from the Driver and such other information as may be notified by the Government in the Official Gazette by making disclosures on the Aggregator's Website and App and updating such disclosures, as per requirement.
- (7) Inclusion of a feature enabling the Rider to share the live location and status of his/her ride after the ride booked through the App has commenced.
- (8) Ensuring that the picture of each Driver integrated with the Aggregator is clearly visible on the App.
- (9) Presence of the Website comprising details of the ownership, registered address, fare structure, services offered, consumer services telephone number and email address and such other details as may be needed.

- (10) Implementing a zero-tolerance policy on the use of drugs or alcohol applicable to any Driver, provide notice of the zero-tolerance policy on its website, as well as the procedure to report a complaint about a Driver when a passenger reasonably suspects that the Driver is under the influence of drugs or alcohol during the course of the ride. The Aggregator shall immediately Off board such Driver upon receipt of a passenger's complaint alleging violation of the zero-tolerance policy. The suspension shall last or continue during the period of investigation by the Aggregator.
- (11) Establishing a control room with 24x7 operations and ensuring that all the vehicles, on direction of the Aggregator, maintain uninterrupted contact with the control room. The control room shall be in a position to monitor the movements of all the vehicles on the directions of the Aggregator.
- (12) Establishing call centres with valid telephone number and operational email address displayed clearly on the App with 24x7 operations wherein assistance shall be provided to the Rider and/or the Driver in English and Hindi as the primary languages, for both the Driver and the Rider along with Assamese. These call centres shall be responsible for the following:-
 - (a) to enable the Rider and/or Driver to contact the Aggregator's call centre in relation to issues concerning the ride, while the ride is in progress or after the completion of the ride for a period of 3 months as specified under sub-rule (4) above, by inclusion of a call feature on the App. The Aggregator shall also provide for the assigned Driver's direct contact number, to be available to the Rider and accessible for a period of 24 hours from when the ride was availed.
 - (b) to ensure timely and effective redressal of the Riders' grievances on receipt of any complaint concerning the ride, the Driver, the condition of the vehicle. Rider concerns pertaining to a ride and the Driver may be reported not beyond a period of 24 hours from when the ride was availed:

Provided that the complaint registered with the grievance redressal centre is criminal in nature, then the limitation period for filing such complaint shall be extended beyond the specified limit of 24 hours upto a maximum of 72 hours. In such scenario, the concerned Driver shall be Off-boarded from the Aggregator till such issue is not resolved:

Provided further that, in case of complaints against the Driver concerning violation of the provisions under the Act, the Driver shall be Off-boarded for a period of 2 days, from the day on which the complaint has been made.

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| | | (13) | Extending utmost cooperation with investigating authorities in relation to any untoward accident or incident involving jeopardizing a Rider's safety, which may have arisen due to action or inaction of the Driver on an assigned trip. |
| | | (14) | Ensure that city taxis, if seeking to integrate with the Aggregator, are permitted such integration: Provided these taxis are compliant to be integrated with the Aggregator as specified under rule 8 above. |
| Compliances to Ensure Safety | 11. | (1) | Ensuring appropriate functioning of the GPS installed in the vehicle and provide efficient resolution for any issues that may develop in its functioning. |
| | | (2) | Ensuring that the Driver plies the vehicle on the route assigned on the App and in non-compliance of the same, developing a mechanism wherein the app device indicates the fault to the Driver and the control room of the Aggregator immediately communicates with the Driver with regard to the same. |
| | | (3) | Ensuring safety of women employees and Drivers by introducing mechanisms to protect their rights, in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. |
| | | (4) | Enforcing a mechanism on the App to ensure that the identity of the Driver undertaking a trip is same as the one enlisted with the Aggregator requiring verification every time a trip is accepted. |
| | | (5) | Ensuring regular spot checks of vehicles integrated with the Aggregator by personnel authorized by such Aggregator. |
| Ride Pooling | 12. | (1) | Aggregators may provide pooling facilities to Riders whose details and KYC are available who shall be travelling along the same route but with varied stoppages from one point to another under a virtual contract through the App. |
| | | (2) | Female passengers seeking to avail ride pooling shall also be provided the option to pool only with other female passengers. |
| | | (3) | The pooling facilities shall be available within certain kms of detour from the route assigned to be undertaken for a destination specified by the first Rider in such vehicle. |
| | | (4) | The Government may by notification published in the Official Gazette relax the abovementioned detour specifications in order to provide accessibility in urban agglomerations and areas beyond the limits of municipal corporations from time to time. |

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| Treatment of parity to be followed by the Aggregator | 13. | The Aggregator shall ensure that vehicles actually owned by the Aggregator shall be treated at parity with those vehicles which are not Aggregator owned, once such vehicles are integrated with the vehicles of the Aggregator. |
| Regulation of fares | 14. | <p>(1) The city taxi fare indexed by Wholesale Price Index (WPI) for the current year shall be the base fare chargeable to customers availing Aggregator service.</p> <p>(2) The base minimum fare chargeable to customers availing Aggregator services shall be, for a minimum of 3 kilometres to compensate for dead mileage and distance travelled and fuel utilized for picking up the customers.</p> <p>(3) The Aggregator shall be permitted to charge a fare 50% lower than the base fare and a maximum Surge Pricing of 1.5 times the base fare specified under sub-rule (1) hereinabove. This will enable and promote asset utilization which has been the fundamental concept of transport aggregation and also substantiate the dynamic pricing principle, which is pertinent in ensuring asset utilization in accordance with the market forces of demand and supply.</p> <p>(4) The Driver of a vehicle integrated with the Aggregator shall receive at least 80% of the fare applicable on each ride and the remaining charges for each ride shall be received by the Aggregator. The State Government may by way of a notification direct 2% over and above the fare towards the state exchequer for amenities and programmes related for Aggregator operated vehicles, which have been helpful in reducing traffic congestion to a great extent and subsequently reducing pollution. These amenities and programmes may include but not be limited to, state sponsored driver welfare programmes, road safety awareness workshops and activities, pollution control programmes, allotment of parking spaces in certain proportion of large parking areas for vehicles integrated with an Aggregator, electric charging infrastructure for electric vehicles and related matters.</p> <p>(5) In any case, the fare including any other charges, if any, shall not be higher than the fare fixed by the Government from time to time.</p> <p>(6) For the purposes of motor cabs, fare regulation under this rule shall only be applicable for motor cabs not exceeding 4 meters of length of below engine capacity of 1500cc diesel or petrol. Fare regulation under this rule shall not be applicable to electric vehicles.</p> <p>(7) No passenger shall be charged for dead mileage (except when the distance for availing the ride is less than 3 kms as mentioned under sub-rule (2) above and the fare shall be charged only from the point of boarding to the point of alighting.</p> |

- (8) The fare shall be regulated as notified by the Government under these rules.
- Cancellation of Rides 15. (1) On cancellation of a booking by a Driver, subsequent to accepting a ride on the App, a penalty of 10% of the total fare not exceeding Rs. 100, shall be imposed, when such cancellation is made without such valid reason that shall be stipulated by the Aggregator on its Website and on the App. The said amount shall be paid/ credited to the customer/ rider by the Aggregator.
- (2) On cancellation of a booking by a Rider, subsequent to booking a ride on the App, a penalty of 10% of the total fare not exceeding Rs. 100, shall be imposed, when such cancellation is made without such valid reason that shall be stipulated by the Aggregator on its Website and on the App. The said amount shall be divided between the Driver and the Aggregator in the same proportion as sub-rule (4) of rule 14 hereinabove.
- Aggregation of non-transport vehicles by Aggregators 16. (1) In furtherance of the Central and State Government's objective of reduction in traffic congestion and automobile pollution, and effective asset utilizations, non-transport vehicle pooling may be provided by Aggregator only by two-wheelers and e-bikes and as per enabling provision provided by rule 12 of these rules.
- (2) In addition to the compliances mentioned above the following shall be complied with by the Aggregator seeking to aggregate non-transport two-wheelers and e-bikes:
- (a) A maximum of four ride-sharing intra-city trips on a calendar day and a maximum of 2 ride-sharing inter-city trips per week shall be permitted for each vehicle with the driver, integrated with the Aggregator.
- (b) The vehicle integrated under this rule shall obtain an insurance of at least Rs. 5 lakhs for the ride-sharers in the vehicle, other than the owner or driver integrated with the Aggregator.
- (c) The Aggregator shall submit Information Management System (MIS) of ride sharing by non transport motorcycle registered under their platform on monthly basis .
- General Conditions 17. (1) Antecedents of all appointed drivers shall be thoroughly checked by the Aggregator.
- (2) Each vehicle under aggregator shall affix the reflective color marked logo of "Taxi" in front and backside of the vehicle with retro reflective tapes.

- (3) A Public Grievance Redressal number shall be widely published by the aggregator. The name and contact number of the driver is to be prominently displayed in the left side of all vehicles integrated with the Aggregator along with the Public Grievance Redressal (PGR) number.
- (4) A licence issued or renewed under these rules may be transferred to the legal heir in case of death of the licensee on an application made by the legal heir. In other cases, licence may be transferred on a joint application being made by the transferor and transferee subject to fulfillment of all the conditions by the transferee.
- (5) Journeys preferred by passenger shall be offered on a direct and shortest route basis only.
- (6) Various measures on safety and security of the passenger as may be specified by Transport Department from time to time shall be complied with by the aggregator.
- (7) Aggregator shall provide list of vehicles, name of the driver, driving license number, insurance coverage details. etc. to the Office of the Licensing Authority on yearly basis, besides details of induction training and status on other these rule compliances as per the Assam Motor Vehicle from the date of obtaining License.
- (8) The pooling facilities shall be available within 10 kms of detour from the route assigned to be undertaken for a destination specified by the first Rider in such vehicle.

Conditions in addition governing operation of Motor Cycle, Bike-Taxi services

18. In addition to the conditions contained in rule the following conditions shall govern operation of Motor Cycle, Bike Taxi, namely ,-
- (1) The bike- taxi (Transport) shall be duly registered and shall require to obtain fitness certificate as per provisions of section 56 of Motor Vehicles Act, 1988 and rules made thereunder.
- (2) The rider of two wheelers shall ensure wearing of Bureau of Indian Standards (BIS) certified ISI marked Helmet and provide same quality helmet to the pillion.
- (3) Contract Carriage Permit for the specified area, for which the applicant has applied, shall be issued by the Regional Transport Authority (RTA) having jurisdiction.
- (4) The motor bike shall be duly insured under the provisions of Motor Vehicles Act, 1988.
- (5) Bike-taxi shall be used as a "Contract Carriage" as defined in sub-section (7) of section 2 of the Motor Vehicles Act, 1988.

- (6) Antecedents of all appointed drivers shall be thoroughly checked by the service provider and a report of antecedents of drivers engaged by him shall be forwarded to the Police Station of the area where the office of the service provider is located. In case any adverse report about the antecedents of a driver is received from the concerned Police Station then the services of the driver shall be terminated immediately by the service provider on receiving of such report.
 - (7) Conduct of the Drivers towards rider shall be courteous at all times and shall be considered as a primary criterion for the service providers.
 - (8) Journeys preferred by any hirer shall be offered on a direct and shortest route basis only.
 - (9) Carriage of minors as hirers shall not be allowed.
 - (10) More than one pillion rider shall not be allowed.
 - (11) Carriage of personal effects by the hirer will be allowed on a very limited basis, like a normal size backpack or handheld briefcase, etc. of reasonable weight.
 - (12) For conspicuity- colour of all such bike-taxis shall be painted in such a colour as notified by the Transport Commissioner in the Official Gazette. The words " Bike Taxi" (transport), "Pooling Bike"(non transport) shall be painted prominently on the two sides of the fuel tank using reflective colours only and shall also display the words "Bike Taxi" on additional plates on a white base colour both at the front and at the back of the vehicle
 - (13) Any application submitted for conversion of non-transport motor cycle to Bike Taxi (Transport), shall be disposed off by the Registering authority within 15 days from the date on which such application is made.
 - (14) Existing tax structure of motor cycle shall be valid for transport motor cycle till amendment in the relevant tax schedule of the Assam Motor Vehicle Taxation Act, 1936.
- Suspension of
Aggregator License
19. (1) Suo moto or on a complaint made to the Licensing Authority, subsequent to providing the Aggregator with an opportunity of being heard within fifteen (15) days from date of such complaint or Suo moto action, suspend the license for a period, by way of a reasoned order in writing, which shall not be less than 10 days and which shall not exceed 6 months at a time, ("Suspension Order")
 - (i) if there exists a systemic failure by the Aggregator to ensure safety of the Rider and/or the Driver and the same may be evidenced by an analysis of quarterly Ratings with regard to the relevant parameter;

- (ii) if there exists repetitive instances of financial inconsistencies with regard to the fares charged to Riders, unjustified imposition of Surge Pricing, non-compliance with the proportionate division of fares between the Drivers and the Aggregator, unsubstantiated imposition of charges on the Drivers, all of which may be determined by Ratings and/or examination of the financial records pertaining to the Aggregator's operations, in compliance with the provisions of rule 22 of these rules.
- (iii) if the Aggregator fails to comply with the contractual obligations towards the Drivers;
- (iv) if the Aggregator fails to comply with any of the requirements or conditions of these rules amounting to minor, moderate or gross offences, as may be determined by the Government. The Government while categorising the offences of non-compliance shall consider the following parameters, namely :-
 - (a) effect on health and safety of Riders and/or Drivers which may have been averted by complying with these rules;
 - (b) number of deaths or sever injuries to Riders and/or Drivers caused due to violation of safety standards by the Aggregator;
 - (c) effect on Driver welfare and livelihood due to violation of contractual obligations;
 - (d) severity of financial swindling;
 - (e) and such other parameters as the Governments may deem fit and appropriate:

Provided that where the Aggregator is liable to be suspended and the Licensing Authority is of the opinion that having regard to the circumstances of the case it would not be necessary or expedient to suspend the License, the Aggregator may pay a sum as decided by the Government.

- (2) On completion of period specified in the Suspension Order, the Aggregator shall by way of an undertaking in writing acknowledge the reasons for suspension as specified in the Suspension Order and undertake that the same stands rectified and shall be therefrom complied with. Subsequent to this, the licensing Authority shall pass an order acknowledging the satisfaction of the Suspension Order and receipt of the undertaking and grant the Aggregator temporary permission to continue operations for a period which shall not be less than 2 months but not more than 6 months ("Probationary Period") while still withholding the Aggregator's License.

- (3) During the Probationary Period, the Aggregator shall continue operations and rectify the reasons causing the former suspension while ensuring compliance with these rules its entirety. Subsequent to the expiry of the Probationary Period the Competent Authority shall examine the operations of the Aggregator to ensure compliance with these rules and rectification of the issues causing the former suspension.
- (4) If the Licensing Authority stands satisfied pursuant to the examination at the end of the Probationary Period, the Licensing Authority shall issue a no objection certificate (NOC) to the Aggregator and return the License, subsequent to which the Aggregator shall continue operations. If unsatisfied, a second Probationary Period of seven (7) days shall be granted for implementing the requisite rectifications.
- (5) If satisfied, a NOC shall be granted to the Aggregator subsequent to investigation after the expiry of seven (7) days and the License shall be returned. If the requisite rectifications remain unsatisfied, the Licensing Authority may within fifteen (15) days, after giving an opportunity of being heard to the Aggregator, suspend the License for a period which shall not be less than forty-five days and not more than three months, specifying the reasons for continued suspension by way of a written order ("Continuing Suspension Order"). On receipt of a Continuing Suspension Order, the same procedure shall be followed as specified in sub-rule (2), (3) and (4) of this rule above.
- (6) Without prejudice to an order of suspension passed by the Licensing Authority, the security provided by way of bank guarantee may also be forfeited in part, depending upon the extent of the violation. It may be noted that if the security is forfeited, the same shall only be returned on the Aggregator receiving the License again and not during either of the Probationary Period.
- (7) Where a License is suspended, the Aggregator shall immediately stop all operations under the License till the time such suspension is revoked.

Cancellation of
Aggregator License

20. (1) A show-cause notice shall be issued to the Aggregator for cancellation of the Aggregator's License, if the Aggregator:-
 - (a) has received more than three (3) suspensions within one financial year; or
 - (b) has failed to receive its License and NOC pursuant to a second examination of the Continuing Suspension Order; or
 - (c) is responsible for the commission of a gross offence as categorized by the Government under clause (iv) of sub- rule (1) of rule 19 above.

- (2) The Licensing Authority may within two (2) days of issuing the show-cause notice provide an opportunity of hearing to the Aggregator and thereafter cancel the license.
 - (3) Where a license is cancelled, the Aggregator shall immediately stop all operations under the license.
 - (4) Without prejudice to an order of cancellation passed by the Licensing Authority, the security provided by way of bank guarantee shall be forfeited in full.
 - (5) The Aggregator may, at any time, voluntarily surrender the license for cancellation. On such surrender of the license, the security by way of bank guarantee if any shall be returned to the Aggregator after the payment of outstanding dues if any.
- Appeal
21. (1) The Aggregator aggrieved by any order passed by the licensing Authority may, within 30 days of receipt of the order, appeal to the Secretary to the Government of Assam, Transport Department.
 - (2) An appeal shall be in the form of a memorandum in duplicate setting forth the grounds for the appeal and shall be accompanied by the requisite fee as notified by the Government in the Official Gazette and the certified copy of the order passed by the Licensing Authority.
- Powers and Responsibilities of the State Government
22. (1) The Government shall be empowered to call for such information and documents from the Aggregator, as deemed fit to ensure compliance by the Aggregator with these rules pursuant to prior written notice. This shall also include the power to investigate about the Drivers who have been Off boarded at more than one instance;
 - (2) The Government shall have the power to conduct search and investigation of the Aggregator's premises, as specified in Form I of these rules, for the effective implementation of these rules;
 - (3) The Government shall provide access to the VAHAN and SARATHI portal operated by the Ministry of Road Transport and Highways, Government of India to enable the Aggregator to update the details of vehicles and Drivers integrated with the App.
 - (4) The Government shall ensure complete confidentiality and secrecy of the documents and information obtained from the Aggregator under sub-rule (1) above and any such other information which it may call for.

23. Fee for Aggregator: The fee charges in respect of licenses mentioned in these rules shall be as follows, namely,-

| S. No. | Particular | Amount in Rupees |
|--------|---|------------------|
| 1 | Grant of license | 5,00,000.00 |
| 2 | Renewal of license | 2,500.00 |
| 3 | Issue of duplicate License | 2,500.00 |
| 4 | For noting change of address of the License | 2,500.00 |

24. Security Deposit for Aggregator: The Security Deposit for aggregator applying for a license furnished as bank guarantee shall be as follows, namely,-

| S. No. | Particular | Amount in Rupees |
|--------|--|------------------|
| 1 | Upto 100 buses or 1000 other Motor vehicles | 1,00,000.00 |
| 2 | Upto 1000 buses or 10000 other Motor vehicles | 2,50,000.00 |
| 3 | More than 1000 buses or 10000 other Motor vehicles | 2,500.00 |

Repeal and
Savings

25. Any rules corresponding to these rules and in force immediately before the commencement of these rules are hereby repealed.

Notwithstanding such repeal any order made or action taken under the rules so repealed or under any general orders ancillary thereto shall be deemed to have validly made or taken under the corresponding provisions of these rules.

ADIL KHAN,
Secretary to the Government of Assam,
Transport Department.

FORM I

[see sub -rule (1) of rule 4]

Application for the Grant of License for Aggregator under the Assam Motor Vehicle Aggregator Rules, 2022

To,

The Secretary,
State Transport Authority, Assam

I, the undersigned hereby apply for grant of a License for operation as an Aggregator under the Assam Motor Vehicle Aggregator Rules, 2022

| | | |
|-----|---|----------------|
| 1. | Name in full | |
| 2. | Address of the main office | |
| 3. | Number of branches and addresses, if any | |
| 4. | a. If- a registered company enclose a copy of certificate of incorporation / registration along with a copy of memorandum of association. b. If a firm, enclose a copy of certificate of registration of the firm. | |
| 5. | Name and contact details of key managerial personnel or Authorized Signatory | 1. 2. 3. |
| 6. | Telephone number, website address and Email ID | |
| 7. | Number of (type of vehicle) proposed to be operated (Enclose a separate list containing vehicle number and permit particulars of each vehicle) | |
| 8. | Details of GPS/GPRS facility | |
| 9. | Details of other infrastructure | |
| 10. | Details of returns filed in the last three years Enclose copies of financial statement of last three years | |
| 11. | Details of fee paid | |
| 12. | Details of security Deposit by way of Bank Guarantee in favour of competent Authority | |

I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled besides initiating other legal action/actions against me. I have gone through the provisions of the rules, I accept and agree to abide by the same and the reference statutes and rules mentioned herein.

Date:
Place:
(along with company seal, as applicable)

Signature of the Applicant/
Authorized Signatory

FORM II

[see sub -rule (2) of rule 4]

Application for the Renewal of License for Aggregator under the Assam Motor Vehicle Aggregator Rules, 2022

To,
The Secretary,
State Transport Authority, Assam

I, the undersigned hereby apply for grant of a License for operation as an Aggregator under the Assam Motor Vehicle Aggregator Rules, 2022

| | | |
|-----|---|----------------|
| 1. | Name in full | |
| 2. | Address of the main office | |
| 3. | Number of branches and addresses, if any | |
| 4. | a. If- a registered company enclose a copy of certificate of incorporation / registration along with a copy of memorandum of association. b. If a firm, enclose a copy of certificate of registration of the firm. | |
| 5. | Name and contact details of key managerial personnel or Authorized Signatory | 1. 2. 3. |
| 6. | Telephone number, website address and Email id | |
| 7. | Number of (type of vehicle) proposed to be operated (Enclose a separate list containing vehicle number and permit particulars of each vehicle) | |
| 8. | Details of GPS/GPRS facility | |
| 9. | Details of other infrastructure | |
| 10. | Details of returns filed in the last three years. Enclose copies of financial statement of last three years | |
| 11. | Details of Licence: a. Licence Number b. No. of suspensions, if any, and details thereof | |
| 12. | Details of fee paid | |
| 13. | Details of security Deposit by way of Bank Guarantee in favour of competent Authority | |

I hereby declare that the information given above and other documents enclosed herewith are true to the best of my knowledge. I understand that if any information is found to be incorrect at any point of time, the Licence granted to me is liable to be cancelled, besides initiating other legal action/actions against me. I have gone through the provisions of the rules. I accept and agree to abide by the same and the reference statutes and rules mentioned herein.

Date:

Place:

(along with company seal, as applicable)

Signature of the Applicant/

Authorized Signatory

FORM III

[see sub-rule (5) of rule 4]

Licence for an Aggregator

Mr./Mrs./M/s [_____] is hereby licensed to operate as an Aggregator under the Motor Vehicles Act, 1988 in compliance with direction stipulated under the Assam Motor Vehicle Aggregator Rules, 2022.

| | | |
|----|---|--|
| 1. | Name of the Aggregator(in full) | |
| 2. | Address of the main office | |
| 3. | Addresses of the branches | |
| 4. | Telephone number, website address and Email id | |
| 5. | Number of auto rickshaw/ e-rickshaw/ motor cab/ motor cycle or bus (as per the list enclosed by the Aggregator in Form I/II, as may be applicable) | |
| 6. | Particulars of the manner in which the Aggregator shall function | |
| 7. | Details of fee paid | |
| 8. | Details of bank guarantee | |

The Licensee shall observe all the conditions contained in the Assam Motor Vehicle Aggregator Rules, 2022

Place:

Date:

Secretary
State Transport Authority, Assam

FORM IV

[see sub-rule (7) of rule 3]

Application for the issue of Duplicate Licence

To,

The Secretary,
State Transport Authority, Assam

Sir/Madam,

The Licence issued to [Name of the Licensee] under sub- rule (5) of rule 3 of the Assam Motor Vehicle Aggregator Rules, 2022 bearing No. [] has been lost /destroyed/ completely written off /soiled/torn/ mutilated in the following circumstances.

[]

I/we hereby apply for the issue of a duplicate Licence.

The written off/soiled/torn/mutilated Certificate of registration is enclosed/ copy of the FIR filed against the loss of the licence is enclosed.

Place:

Date:

Signature of the Applicant/ Authorized Signatory

(along with company seal, as applicable)